

April 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0210

Julia T. Ewing and Charles W. Ewing, II

Midlothian Magisterial District
2139 Buford Road

- REQUESTS: I. A forty (40) foot Variance to the forty (40) foot corner side yard setback requirement for a one (1) story garage.
- II. A ten (10) foot Variance to the ten (10) foot rear yard setback requirement for a one (1) story garage.

RECOMMENDATION

Recommend denial of these Variances for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variances are not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is located at 2139 Buford Road. Tax ID 756-717-0002 (Sheet 3).

Existing Zoning:

R-15

Size:

.428 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential

South - R-15; Residential

East - R-15; Residential

West - R-15; Residential

Utilities:

Public water and private septic system

General Plan:

(Bon Air Community Plan)

Residential
(Medium density)

DISCUSSION

The applicants are proposing to repair and expand an existing detached one (1) story garage. The detached one (1) story garage will be located on the corner side and rear property lines. The Zoning Ordinance requires a forty (40) foot corner side yard setback for a detached one (1) story garage. Therefore, the applicants request a forty (40) foot Variance to the corner side yard. Also, the Zoning Ordinance requires a ten (10) foot rear yard setback for a detached one (1) story garage. Therefore, the applicants request a ten (10) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

In October 2003, Hurricane Isabel damaged our garage to the extent that it needs to be rebuilt to be safe. Its existing northern foot print abuts the right of way of Kenwin Road (there is no setback). This garage was built some time ago (the house is in Historic Bon Air and dates to 1889) long before the existing Ordinance was in place. An existing two (2) story barn and what we were told to be originally a stable are attached to the garage to the south. We have no place to go with the garage that makes any sense other than where it has stood for fifty (50) to 115 years, except where it is now. In the reconstruction we would propose that it be made into a two (2) car garage by extending ten (10) feet to the west.

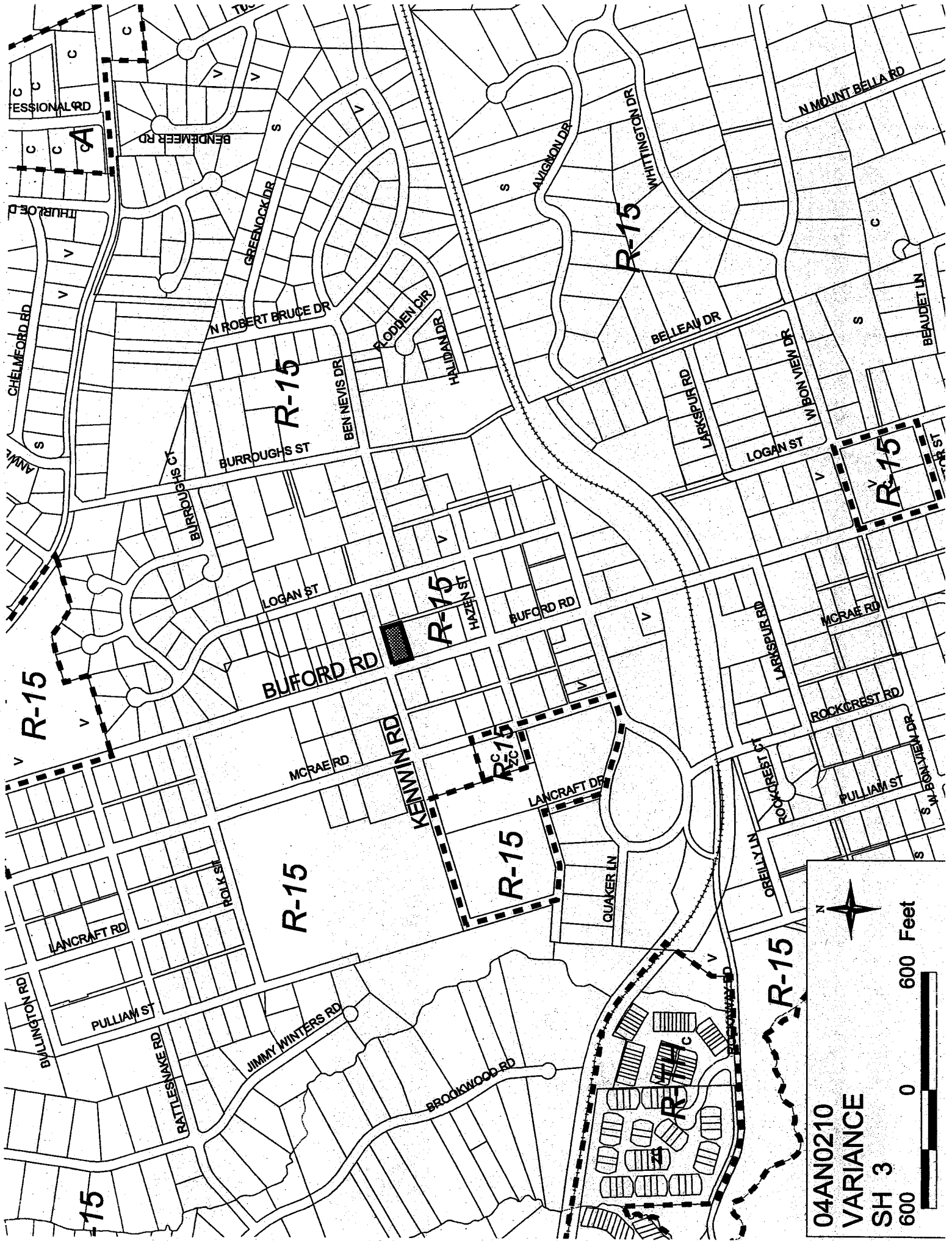
Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the applicants could restore the existing structure without expanding it and not need this Variance. The restoration of the non-conforming structure would not be required to meet setbacks.

An alternative exists and the applicants have not provided evidence of extraordinary conditions, therefore, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to this addition only. Other additions could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

These Variances shall be for the proposed dwelling addition as depicted on the plat attached to staff's report.



04AN0210
VARIANCE

SH 3

600 0 600 Feet

KENWIN ROAD

20' Alle.

100.00'

Frame
Garage

Lot 20

Lot 19

50'

50'

NOTE: EXISTING GARAGE 14' WIDE X 17' DEEP
PROPOSED GARAGE 24' WIDE X 19' DEEP

190.00'

29.23'

2 Story
Brick
House

#2139

29.40'

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